

## **REMARKS**

By this amendment, claims 1-10 have been cancelled and claims 11-24 have been added. Accordingly, claims 11-24 are in the application.

Claims 11-24 are similar to original claims 1-11 with certain changes in grammar and terminology. The same essential subject matter is being claimed.

Claims 1-3 and 7-10 have been rejected as allegedly being anticipated by the patent to Singer, U.S. 4,479,492. Claims 4-6 have been rejected as allegedly being obvious over the patent to Singer in view of the patents to Newman, U.S. 4,352,429, Esposito, U.S. 4,927,073, and Madden, U.S. 3,693,618. Although claims 1-10 have been cancelled, applicant will reply herein as if the references in question had been applied against new claims 11-24.

As noted in the specification at page one, prior to the present invention great difficulty was experienced in positioning surgical drapes beneath a patient on a surgical operating table. The patient must be lifted or otherwise maneuvered in order to position drapes under the patient. This can result in random sterilization or inadequate isolation of certain portions of the patient from the surgical table. The present invention addresses and overcomes these problems.

The invention comprises a surgical drape that can be placed on the table prior to the patient being placed on the table. Preferably, the drape is folded in accordion fashion and has a portion that is attached adhesively to the table. After the patient has been placed on the folded drape, the drape can be extended so as to cover selected portions of the table. Alternatively, a bag having a perforated portion can be provided and the drape can be placed in the bag. Preferably the bag is attached adhesively to

the table prior to the patient being placed on the unopened bag. The bag thereafter can be opened by tearing the perforated portion and a desired amount of the folded drape can be pulled out of the bag so as to cover selected portions of the table. The invention also can include leggings for the patient's extremities and a top drape for covering selected portions of the patient.

Claim 1 calls for a surgical draping system for an operating table, comprising a flexible drape of folded sterilizable material, the drape adapted to being placed on the operating table prior to a patient being placed on the table and on the drape, and wherein the drape can be extended to cover selected portions of the table while the patient remains in place atop the table and at least a portion of the drape. Claims 12-14 are dependent upon claim 11, either directly or indirectly, and include additional limitations that the drape is folded with accordion folds (claim 12), the drape includes a leading edge and a handle is connected to and extends from the leading edge (claim 13), and adhesive is provided for the drape for securing the drape to the operating table (claim 14). Claim 15 is dependent on claim 11 and adds the limitation of a bag having a perforated portion, the drape being disposed within the bag and removable therefrom upon opening the perforated portion. Claim 16 is dependent on claim 15 and adds the requirement of adhesive on the bag for securing the bag to the operating table. Claims 17 and 18 call for leggings for placement over a patient's extremities and a top drape for placement on selected portions of the patient, with adhesive for attaching it, respectively.

Claim 19 is a method claim for isolating a patient from an operating table in surgical procedures using a surgical draping system, the method comprising the steps

of providing a folded surgical drape, placing the folded surgical drape on the operating table, placing the patient on the folded surgical drape, and unfolding the folded surgical drape to isolate the patient from the operating table. Claim 20 is dependent on claim 19 and adds the steps of providing adhesive for the drape and attaching the unfolded drape to the operating table by use of the adhesive. Claim 21 is dependent on claim 19 and calls for the steps of providing a bag within which the folded surgical drape is disposed, placing the bag on the operating table, placing the patient on the bag, opening the bag, and extending the folded surgical drape to isolate the patient from the operating table. Claim 22 is dependent on claim 21 and calls for the steps of providing adhesive for the bag and attaching the bag to the operative table by use of the adhesive. Claims 23 and 24 are dependent on claim 19 and are similar in scope to apparatus claims 17 and 18 that relate to the leggings and the top drape, respectively.

None of the prior art cited by the examiner teaches or suggests the “pull the surgical drape out from under the patient” feature that is included as part of all claims of the present application. For example, the Singer patent discloses that the patient is placed on the table and prepared for surgery *before* the drape is placed on the table. See FIG. 9 and the discussion at column 5, lines 45-51. In this connection, it is noted that the patient’s legs and lower body are manipulated by surgical assistants in order to properly position the drape and unfold it, and to thereafter attach the drape to the underside of the patient’s upraised legs. See FIGS. 10-13 and the discussion at column 5, lines 51-64 and column 6, lines 1-8.

The patent to Newman does not teach or suggest the noted feature of the present invention. Referring particularly to Figures 6 and 7 of the Newman patent, it is

apparent that the patient cannot be placed atop the package 10 because the package 10 must be bent back upon itself in order for the drape 30 to be removed therefrom through the window 14. Such a manipulation of the package 10 would be impossible if the patient previously had been placed atop the package 10. Hence, Newman does not teach or suggest the claimed feature in question because to do so would defeat the function of Newman's device.

The patent to Esposito does not even disclose a surgical drape, while the patent to Madden discloses a surgical drape that is placed atop the patient after the patient had been placed on the table. As with the patents to Singer and Newman, these patents do not teach or suggest the "pull the surgical drape out from under the patient" feature of the present invention.

As for the dependent claims, since they contain all of the limitations of the parent claims, by definition the references cited by the examiner cannot anticipate the dependent claims or render them obvious. For example, none of the references discloses a surgical drape disposed within a bag that is intended to be placed on the table prior to the patient being placed on the table and the bag, and thereafter opening the bag and withdrawing a desired portion of the drape. See claims 15 and 21. Necessarily the references do not disclose attaching the bag to the table by means of adhesive. See claims 16 and 22. Similarly, the other claimed features are not shown in the context of the present invention.

## **CONCLUSION**

The patents relied on by the examiner fail to anticipate or render obvious the invention claimed by applicant. The application now should be in condition for allowance. If the Examiner has any remaining questions, he is requested to telephone the undersigned attorney in order to expedite prosecution of the application.

Respectfully submitted,

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